

Exhibit 10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PIONEER BUSINESS SERVICES, LLC
D/B/A FOUR CORNERS AVIATION
SERVICES,,

Plaintiff,

v. Case No.
1:22cv6206

·VISTAJET US, INC.,

Defendant.

REMOTE VIDEOTAPED DEPOSITION OF

THOMAS FLOHR

February 22, 2023

Reported by:
Bonnie Pruszynski, RMR, CA CSR No. 13064
Job No. 222339

1 T. Flohr

2 THOMAS FLOHR,

3 called as a witness, having been first
4 duly sworn, was examined and testified
5 as follows:

6 EXAMINATION

7 BY MR. HAVELES:

8 Q. Okay. Mr. Flohr, could you tell us
9 where you reside, please?

10 A. Yes. I reside in Dubai, and the
11 address is -- the Address Building,
12 Apartment 3504, Address Boulevard, Dubai UAE.

13 Q. Thank you.

14 Mr. Flohr, I'm taking your
15 deposition today in accordance with the
16 court's order, and during the course of the
17 deposition, I'm going to ask you a number of
18 questions. If you don't understand any of
19 them, you should let me know, and I will be
20 happy to rephrase the question so it is
21 clearer.

22 I will show you documents during
23 the course of the deposition. They will come
24 up through the shared file program. Have you
25 opened up the shared file program, the second

1 T. Flohr

2 with VistaJet.

3 Were you aware that SoftBank was --
4 expressed some urgency at the end of June
5 about getting approval of a transfer of the
6 second agreement?

7 A. I don't recall that, sir.

8 Q. Okay. Now focusing on page one of
9 the e-mails, VJ 1927, in the interim, in the
10 middle page, Mr. Deiana writes to Mr. Moore
11 on June 24th at 19:03: "Hi, Ian. We just
12 got the below from SB. I'm assuming we won't
13 have an answer today, but let me know your
14 thoughts. Dan."

15 Mr. Moore then responds, you know,
16 some 20 minutes later, 24 minutes later:
17 "This has just been sent to us in the last
18 24 hours," presumably referring to the
19 brochure that's attached, and he goes on to
20 say, "If this gets to Thomas, which it will,
21 then the entire relationship is ruined."

22 Did -- was the entire relationship
23 that VistaJet had with SoftBank ruined as a
24 result of FCA's conduct in the FCA brochure?

25 A. Can you repeat the question?

1 T. Flohr

2 Q. Sure.

3 Was VistaJet's relationship with
4 SoftBank ruined as a result of FCA's actions
5 in the FCA brochure?

6 A. My judgment would be it was harmed.

7 Q. Does it still exist?

8 A. I don't think so. You would need
9 to ask Ian Moore.

10 Q. Do you recall telling Mr. Moore
11 that nothing further should be done with
12 SoftBank because of this brochure, the FCA
13 brochure?

14 A. I don't recall that, sir.

15 Q. Let's mark as Exhibit 16 a series
16 of screenshots of a WhatsApp exchange between
17 Mr. Flohr and Mr. Moore on June 24, 2022,
18 bearing the Bates Numbers VJ 8994 through 98.

19 (Exhibit 16, VJ00008994-998 marked
20 for identification, as of this date.)

21 Q. Ms. Henneberry will tell you when
22 Exhibit 16 is available.

23 MS. HENNEBERRY: Exhibit 16 is
24 available.

25 A. Okay. I'm going to refresh.

1 T. Flohr

2 Okay. 16, here it is. Usual
3 loading process.

4 Okay. It loaded.

5 Q. Just take a moment to go through
6 the screenshots and tell me whether you
7 recall this WhatsApp exchange with Mr. Flohr
8 on June 24.

9 A. Okay. I have glanced over it.

10 Q. Okay. Do you recall this text
11 exchange?

12 A. Vaguely, but not in detail.

13 Q. Did you see a copy of these
14 screenshots of your WhatsApp exchange in
15 connection with preparing for your
16 deposition?

17 A. I saw one page but not the whole
18 thing.

19 Q. Okay. We're going to walk through
20 it page by page. Let's start with the first
21 page, 8994.

22 Do you recall receiving a copy of
23 the brochure via this WhatsApp --

24 A. No, I don't --

25 Q. -- exchange with Mr. Moore?

1 T. Flohr

2 A. Sorry. I interrupted you.

3 Q. I'm saying, do you recall receiving
4 a copy of the brochure via this WhatsApp
5 exchange?

6 A. No, I don't recall that, but I
7 recall that I saw the brochure. How I got
8 it, I don't remember.

9 Q. Am I correct that the green
10 balloons are comments by Mr. Moore and the
11 white balloons are comments by you in this
12 WhatsApp exchange?

13 A. I mean, it would suggest that.

14 Q. Okay. All right. In the second
15 balloon after the PDF of the brochure, it
16 states: "This is who SB sold Marcelo's hours
17 to." Did you have an understanding to whom
18 Mr. Moore was referring when he said
19 "Marcello's hours"?

20 A. Do you ask this in general?

21 Q. I'm now asking, when you saw this
22 text exchange, or you received this message
23 from Mr. Moore, did you have an understanding
24 of to what he was referring when he said
25 "Marcelo's hours"?

1 T. Flohr

2 A. I don't want to speculate what I
3 thought a couple of years ago.

4 Q. Well, this is not a couple of years
5 ago. This is only nine months ago.

6 A. Then I would make the same
7 statement. I wouldn't speculate what I was
8 thinking nine months ago.

9 Q. Okay. In the next balloon, it
10 states: "Strictly in the contract they could
11 not do this."

12 Did Mr. Moore ever explain to you
13 in the two telephone calls or so that the two
14 of you had over that next several days what
15 it was in the contract that prohibited FCA
16 from sending out this brochure?

17 A. I don't recall an explanation of
18 Ian on that.

19 Q. Okay. In the next balloon, it
20 states: "We were told it was for a select
21 few of the Four Corners client base."

22 Did Mr. Moore ever tell you who it
23 was who said that and to whom this statement
24 was made?

25 A. I don't recall that.

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